



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

09/920,888

08/03/2001

Brian Davidson

042933/302185

9821

826

7590

06/02/2010

ALSTON & BIRD LLP

BANK OF AMERICA PLAZA

101 SOUTH TRYON STREET, SUITE 4000

CHARLOTTE, NC 28280-4000

EXAMINER

ELAHEE, MD S

ART UNIT

PAPER NUMBER

2614

MAIL DATE

DELIVERY MODE

06/02/2010

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 09/920,888	Applicant(s) DAVIDSON ET AL.	
	Examiner MD S. ELAHEE	Art Unit 2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 May 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 7-10 and 12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 7-10 and 12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. This action is responsive to an amendment filed on 05/24/2010. Claims 7-10 and 12 are pending.

Response to Arguments

2. Applicant's arguments in the 05/24/2010 Remarks have been fully considered but they are not persuasive because of the following:

Regarding claims 7, 8, 10 and 12, the applicant argues on pages 5-7 that none of the prior arts teaches the added limitation “the object device being associated with an object that, along with the object device, is located in an environment in which the portable radio communication device is located”. Examiner respectfully disagrees with the applicant’s argument. It is because, Rhoads teaches this limitation (see fig.4; col.25, lines 13-14).

Thus, the rejection of the claim will remain.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claims 7-10 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rhoads (U.S. 7,565,294) in view of Beerman, Jr. et al. (U.S. 6,084,952) further in view of Wakabayashi (U.S. 7,065,189).

Regarding claims 7, 8, 10 and 12, with respect to fig.1, 2, 4, 5, 8, 9, Rhoads teaches a system including a radio communication device (fig.8) and a clearinghouse [i.e., object device] connected to a network, the wireless Internet device comprising:

a transmitter for transmitting a identity tag (col.21, lines 54-65, col.24, lines 23-31). However, Rhoads does not specifically teach an identity tag indicative of the identity of the portable radio communication device. Beerman teaches an identity tag indicative of the identity of the portable radio communication device (fig.4; col.9, lines 25-31). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Rhoads to incorporate an identity tag indicative of the identity of the portable radio communication device in Rhoads's invention in order to provide secured communication to a particular device.

Rhoads further teaches the clearinghouse [i.e., object device] comprising a receiver, the object device being associated with a database [i.e., object] that, along with the object device, is located in an environment in which the portable radio communication device is located, and a processor and memory storing computer program (col.21, lines 54-65, col.24, lines 23-31, col.25, lines 13-14). (Note: receiver and processor are inherent in the clearinghouse.)

Rhoads further teaches in response to the receiver receiving an identity tag transmitted from the wireless Internet device, the computer program code, with the processor being configured to cause the object device to obtain address information via the network and

authorize the distribution of information not otherwise addressed to any particular entity via the network to a recipient device [i.e., terminal] identified by the address information associated with the identity tag (abstract; fig.8, 9; col.21, lines 54-65, col.23, lines 13-35, col.24, lines 23-31).

However, Rhoads in view of Beerman does not specifically teach using the identity tag to obtain address information. Wakabayashi teaches using the identity tag to obtain address information (fig.3, fig.4, item 105; col.3, lines 18-26). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Rhoads to use the identity tag to obtain address information in Rhoads's invention in view of Beerman's invention in order to provide address of a recipient based on caller address information without user input of the recipient address.

Claim 9 is rejected for the same reasons as discussed above with respect to claim 7. Furthermore, Rhoads teaches that the wireless Internet device [radio communication device] is inherently a passive device (fig.1).

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to MD S. ELAHEE whose telephone number is (571)272-7536. The examiner can normally be reached on MON-FRI.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, FAN TSANG can be reached on (571)272-7547. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2614

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/MD S ELAHEE/
MD SHAFIUL ALAM ELAHEE
Primary Examiner
Art Unit 2614
June 2, 2010